

To: State Agency Chief Procurement Officers  
State Agency Minority Business Liaisons

From: Beatrice P. Tignor, Deputy Secretary

Date: May, 14, 2008

Subject: DGS MBE Reporting Policy

Historically, the Department of General Services (DGS) has taken credit for all procurements conducted by the Department regardless of whether it was procured for DGS or a specific agency. The Department has included these procurements in its annual MBE report to the Governor's Office of Minority Affairs (GOMA). This is consistent with the annual reporting instructions that have been provided by GOMA. Those instructions currently state that procurements made by or through DGS or Department of Budget & Management (DBM) as a result of authority or state contract requirements should be excluded by agencies. DGS and DBM will report those figures.

However, as a result of discussions with GOMA, DBM and the State Stat Office, DGS was directed to promulgate a policy to clarify how it reports MBE procurement activity. This was requested to ensure that agencies have a clear understanding of what they may or may not report relative to procurements conducted on their behalf by either control agency, DGS or DBM, and to avoid any potential double counting.

Attached you will find the new DGS policy. Effective July 1, 2008, depending on the type of procurement, agencies will be able to take credit for some procurements conducted by DGS. Using agencies will now be able to take credit for their specific maintenance and commodity procurements. This will provide the agencies a more accurate account of their procurement activity. The reporting of statewide contracts and capital construction procurements shall remain with DGS.

If you have any questions concerning this policy, its delegations or your responsibilities, please contact Mr. Mark Pemberton, Assistant Secretary, by e-mail ([mark.pemberton@dgs.state.md.us](mailto:mark.pemberton@dgs.state.md.us)) or by telephone (410-767-4430).

Your cooperation is appreciated.

cc: Mr. Alvin Collins, Secretary, DGS  
Ms. Luwanda Jenkins, Special Secretary, GOMA  
Ms. Kay Bee, Director, DGS Office of Business Enterprise  
Ms. Janice Montague, Director, MBE Compliance, GOMA  
Mr. Mark A. Pemberton, Assistant Secretary, DGS

DEPARTMENT OF GENERAL SERVICES  
DIVISION OF PROCUREMENT

SUBJECT: MBE CREDIT – DELEGATION OF RESPONSIBILITY  
Effective July 1, 2008

POLICY:

For procurements awarded on or after July 1, 2008, depending on the category of procurement, DGS or the using Agency shall be responsible for the following:

On all Capital Construction, Construction Related Services, Architectural Services, Engineering Services, and Capital Maintenance procurements:

- DGS shall establish an appropriate MBE goal. Goals will be consistent with the contractual requirements.
- DGS shall report all awards and MBE participation.
- DGS shall report all expenditures.
- DGS shall monitor goal achievement and resolve all issues relating to goal compliance.
- DGS shall review, document, and determine the appropriateness of any waiver requests.
- DGS shall report waivers on DGS' Annual Waiver Report to the Board of Public Works.

On all Statewide Contracts:

- DGS shall establish an appropriate MBE goal. Goals will be consistent with the contractual requirements.
- DGS shall report all awards and MBE participation.
- Using Agencies shall report all orders placed against the Statewide Contract and corresponding expenditures.
- DGS shall monitor goal achievement and resolve all issues relating to goal compliance.
- DGS shall review, document, and determine the appropriateness of any waiver request.
- DGS shall report waivers on DGS' Annual Waiver Report to the Board of Public Works.

On all Agency specific procurements for maintenance or commodities that are processed by DGS under its authority:

- The using Agency shall recommend an appropriate MBE goal. Goals must be consistent with the contractual requirements, supported by a determination, and are subject to DGS approval.
  - The using Agency shall report all resulting awards and MBE participation.
  - The using Agency shall report all purchases..
  - The using Agency shall monitor goal achievement and resolve all issues relating to goal compliance.
  - DGS shall review, document, and determine the appropriateness of any waiver request.
  - The using Agency shall report waivers on its Annual Waiver Report to the Board of Public Works.
  - The using Agency shall report to DGS any contract performance problems.
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